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**JAN 30 2004**

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|---------------------------------|---|----------------------------|
| In re Application of            | : | <b>OFFICE OF PETITIONS</b> |
| Murata et al.                   | : |                            |
| Application No. 10/629,778      | : | <b>ON PETITION</b>         |
| Filed: 30 July, 2003            | : |                            |
| Attorney's Docket No. 108563.01 | : |                            |

This is a decision on the petition filed on 21 November, 2003, requesting that the above-identified application be accorded a filing date of 30 July, 2003, with 12 sheets of drawings, including Figure 13, as a part of the original disclosure.

The petition is granted.

The application was filed on 30 July, 2003.

Accordingly, on 24 October, 2003, Initial Patent Examination Division mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of 24 October, 2003, but that Figure 13 described in the specification appeared to have been omitted.

In response, on 21 November, 2003, the present petition and a copy of one (1) sheet of drawings containing Figure 13 were filed. Petitioners argue that one sheet of drawings containing Figure 13 was filed with the other application papers on 30 July, 2003, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an Office date stamp of 07/30/03, the above-identified application number, and identifies the application by the inventors' last names and invention title, and acknowledges receipt of, *inter alia*, "12 pp Dwgs. (Figs 1-13)". Petitioners request that the application, including one sheet of drawings containing Figure 13, be accorded a filing date of 30 July, 2003.

A review of the record reveals that 11 sheets of drawings containing Figures 1-12 have been located among the application papers received on 30 July, 2003. However, the evidence is convincing that the application papers deposited on 2 July, 2003,

included 12 sheets of drawings, one of which was subsequently misplaced in the Office. Therefore, the application, including the one (1) sheet of drawings containing Figure 13 described in the specification, is entitled to a filing date of 30 July, 2003.

The "Notice" mailed on 24 October, 2003, is withdrawn.

In view of the above, the petition is granted. The petition fee of \$130.00 is unnecessary and will be refunded to counsel's deposit account, No. 15-0461.

The application will be processed with the copy of one (1) sheet of drawings containing Figure 13 supplied on 21 November, 2003, as a part of the original disclosure.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 30 July, 2003, using the application papers filed on that date, and the copy of one (1) sheet of drawings containing Figure 13 supplied with the present petition.

Telephone inquiries should be directed to the undersigned at 703-308-6918.



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